

Message

**From:** Matthiessen, Craig [Matthiessen.Craig@epa.gov]  
**Sent:** 1/27/2015 9:34:38 PM  
**To:** Gioffre, Patricia [Gioffre.Patricia@epa.gov]; Tulis, Dana [Tulis.Dana@epa.gov]; Cheatham, Reggie [cheatham.reggie@epa.gov]  
**CC:** Wilson, Gregory [Wilson.Gregory@epa.gov]; Principe, Vanessa [Principe.Vanessa@epa.gov]; DeHaven, Leigh [DeHaven.Leigh@epa.gov]; Cogliano, Gerain [Cogliano.Gerain@epa.gov]; Jennings, Kim [Jennings.Kim@epa.gov]  
**Subject:** RE: Subpart J NPRM - Requests to Extend Comment Period  
**Attachments:** Request for Public Comment Period Extension.pdf

Attached is the only letter we received so far. Not sure when API will send theirs. Thanks, Patty. Craig

---

**From:** Gioffre, Patricia  
**Sent:** Tuesday, January 27, 2015 4:16 PM  
**To:** Tulis, Dana; Matthiessen, Craig; Cheatham, Reggie  
**Cc:** Wilson, Gregory; Principe, Vanessa; DeHaven, Leigh; Cogliano, Gerain; Jennings, Kim  
**Subject:** RE: Subpart J NPRM - Requests to Extend Comment Period

I'll let Mathy know. Craig- Do you have any letters yet that you can share?

Patty Gioffre  
OSWER/OPM/PARMS (*detailee*)  
WJC West Room 4130F  
202-564-1972  
703-608-9945 (cell)

---

**From:** Tulis, Dana  
**Sent:** Tuesday, January 27, 2015 4:14 PM  
**To:** Matthiessen, Craig; Cheatham, Reggie  
**Cc:** Wilson, Gregory; Principe, Vanessa; DeHaven, Leigh; Cogliano, Gerain; Gioffre, Patricia; Jennings, Kim  
**Subject:** RE: Subpart J NPRM - Requests to Extend Comment Period

Patty or Gerain, do you want to let Mathy know, or Reggie or I can do as well. Thank you!

---

**From:** Matthiessen, Craig  
**Sent:** Tuesday, January 27, 2015 4:11 PM  
**To:** Cheatham, Reggie; Tulis, Dana  
**Cc:** Wilson, Gregory; Principe, Vanessa; DeHaven, Leigh; Cogliano, Gerain; Gioffre, Patricia; Jennings, Kim  
**Subject:** Subpart J NPRM - Requests to Extend Comment Period

Recall we recently shared with you a letter to Mathy from the Government Accountability Project (GAP) and the Citizens to Ban Toxic Dispersants requesting EPA extend the Subpart J NPRM comment period by 30 days. Today, a contact at API gave us a heads up that they and some other industry reps will formally request that EPA extend the comment period by an additional 90 days!

**Deliberative Process / Ex. 5**

**Deliberative Process / Ex. 5**

**Deliberative Process / Ex. 5**

**Deliberative Process / Ex. 5**

Thanks - Craig

January 22, 2015

The Honorable Mathy Stanislaus  
Assistant Administrator  
Office of Solid Waste and Emergency Response  
U.S. Environmental Protection Agency  
1200 Pennsylvania Avenue, N.W.  
Washington, DC 20460

RE: Request for Extended Public Comment Period for Docket Number EPA-HQ-OPA-2006-0090

Dear Assistant Administrator Stanislaus,

Our undersigned organizations are very pleased to learn that the public comment period for the proposed rule on revisions in Subpart J of the National Contingency Plan (Docket Number EPA-HQ-OPA-2006-0090) has officially opened. However, in order to provide stakeholders with adequate time to both review the 247-page proposed rule and participate in the public comment period, we would like to request that the period for public comments be extended for an additional 30 days, from 90 days to 120 days.

Stakeholders have waited 14 years for the proposed rule to be released. We appreciate your consideration of this request in order to ensure that those impacted by changes to dispersant regulations have an adequate opportunity to participate at this significant stage of the rulemaking process.

Sincerely,

The Citizens Coalition to Ban Toxic Dispersants  
Government Accountability Project

CC: Craig Matthiessen, Division Director, Environmental Protection Agency

Message

---

**From:** Stanislaus, Mathy [Stanislaus.Mathy@epa.gov]  
**Sent:** 1/9/2015 2:02:22 PM  
**To:** Brooks, Becky [Brooks.Becky@epa.gov]  
**CC:** Matthiessen, Craig [Matthiessen.Craig@epa.gov]; Tulis, Dana [Tulis.Dana@epa.gov]  
**Subject:** RE: Dispersants: Subpart J Rulemaking

This is a good list - lets move forward and schedule.

Sent from my Windows Phone

---

**From:** Brooks, Becky  
**Sent:** 1/8/2015 7:05 PM  
**To:** Stanislaus, Mathy  
**Cc:** Matthiessen, Craig; Tulis, Dana  
**Subject:** FW: Dispersants: Subpart J Rulemaking

Please see below for the list of people that Earthjustice propose be invited to a call.

Sent from my Windows Phone

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**From:** Marianne Engelman Lado  
**Sent:** 1/8/2015 5:55 PM  
**To:** Brooks, Becky  
**Subject:** RE: Dispersants: Subpart J Rulemaking

Becky,

Participation should include representatives from each of the groups that submitted the petition for rulemaking, which would include the following:

Waterkeeper (probably Reed Super)  
LEAN (Mary Lee Orr)  
Gulf Restoration Network (Cynthia Sarthou)  
Cook Inletkeeper (Bob Shavelson)  
Sierra Club  
Florida Wildlife Federation (Manley Fuller)  
Alaska Community Action on Toxics (Pamela Miller – in Alaska, so we'd want the call to work in her time zone)  
Louisiana Shrimp Association (Clint Guidry)

In addition, my colleague Hannah Chang and I would plan to participate. If we have one or more times that might work on your end, I am happy to circulate them to the groups and confirm who will be able to participate, and I'd pin down which representative(s) from Sierra Club and Waterkeeper would join us at that time.

In addition, I also know that there are other groups who might also appreciate a briefing. If it'd be helpful to broaden participation, I'd be happy to reach out to others.

Please let me know what might work best on your end.

Many thanks,

Marianne

Marianne Engelman Lado  
Managing Attorney, Northeast Office  
Earthjustice  
48 Wall Street, 19<sup>th</sup> Floor  
New York, NY 10005  
T: 212.845.7393  
F: 212.918.1556  
earthjustice.org



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**From:** Brooks, Becky [mailto:Brooks.Becky@epa.gov]  
**Sent:** Thursday, January 08, 2015 4:43 PM  
**To:** Marianne Engelman Lado  
**Subject:** RE: Dispersants: Subpart J Rulemaking

Hi Marianne -- can you please send me a list of who will be on the call? Thank you.

Sent from my Windows Phone

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**From:** Marianne Engelman Lado  
**Sent:** 1/7/2015 8:43 AM  
**To:** Brooks, Becky  
**Cc:** Hannah Chang  
**Subject:** Re: Dispersants: Subpart J Rulemaking

I'm happy to be the point person.

Many thanks for following up.

Best,

Marianne

Sent from my iPhone. Please excuse any errors.

On Jan 7, 2015, at 8:31 AM, "Brooks, Becky" <[Brooks.Becky@epa.gov](mailto:Brooks.Becky@epa.gov)<<mailto:Brooks.Becky@epa.gov>>> wrote:

Hi Marianne -- Mathy passed along your email to me. Who should we work with to get a meeting scheduled soon? Thank you. Becky

Becky Brooks  
Special Assistant  
Office of Solid Waste and Emergency Response

U.S. Environmental Protection Agency  
ph. 202-566-2762

From: Marianne Engelman Lado [mailto:[mengelmanlado@earthjustice.org](mailto:mengelmanlado@earthjustice.org)]  
Sent: Tuesday, January 06, 2015 11:47 AM  
To: Stanislaus, Mathy  
Cc: Hannah Chang  
Subject: RE: Dispersants: Subpart J Rulemaking

Mathy,

Happy new year. Hope all is well. I heard you were in New York recently for Jody Kass's retirement party. It sounds like quite a collection of EJ luminaries!

I was hoping there might be an opportunity to have a quick briefing on the proposed Subpart J rule. We and the petitioners are likely to get a significant number of inquiries about the rule, and I'd like to make sure we have the facts in a timely way. Many thanks for moving this process forward.

Best,

Marianne

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From: Stanislaus, Mathy [mailto:[Stanislaus.Mathy@epa.gov](mailto:Stanislaus.Mathy@epa.gov)]  
Sent: Sunday, September 14, 2014 2:48 PM  
To: Marianne Engelman Lado  
Cc: Hannah Chang  
Subject: RE: Dispersants: Subpart J Rulemaking

Marianne: I'm sure you are aware that the proposed rule is in interagency review. While other organizations have availed themselves of the opportunity to meet with OMB/OIRA regarding the rule, I have not seen your organization avail itself of the right to meet with them to provide your perspective.

Sent from my Windows Phone

---

From: Marianne Engelman Lado<<mailto:mengelmanlado@earthjustice.org>>  
Sent: 7/21/2014 10:04 AM  
To: Stanislaus, Mathy<<mailto:Stanislaus.Mathy@epa.gov>>  
Cc: Hannah Chang<<mailto:hchang@earthjustice.org>>  
Subject: Dispersants: Subpart J Rulemaking  
Mathy:

Hope you're well.

We recently noticed that the timeline for publishing a notice of proposed rulemaking for revisions of Subpart J has been moved back from July to December of this year. <http://yosemite.epa.gov/oepi/rulegate.nsf/byRIN/2050-AE87>. This not only signals yet another delay, but also a longer postponement than usual.

We were very much hoping to get some clarification on what may be causing the delay and what steps can be taken in the interim to address the uncertainties around dispersants. Please let me know whether you can schedule a time to talk by phone or in person in the coming month.

I'm cc'ing my colleague Hannah Chang. I'll be out of the office on travel between this Wednesday and August 7th and I want to make sure that this doesn't fall through the cracks.

All the best,

Marianne

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Managing Attorney, Northeast Office  
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Message

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**From:** Cheatham, Reggie [cheatham.reggie@epa.gov]  
**Sent:** 2/18/2015 10:38:43 AM  
**To:** Tulis, Dana [Tulis.Dana@epa.gov]; Matthiessen, Craig [Matthiessen.Craig@epa.gov]  
**Subject:** RE: Dispersants: Subpart J Rulemaking

I am confused as well

Reggie Cheatham, Acting Director  
Office of Emergency Management  
202-564-8003(w) 202-689-9400(c)

---

**From:** Tulis, Dana  
**Sent:** 2/17/2015 8:35 PM  
**To:** Matthiessen, Craig  
**Cc:** Cheatham, Reggie  
**Subject:** Fwd: Dispersants: Subpart J Rulemaking

Craig, I believe this email was meant for you and not Mathy.

Reggie I'm not sure what he's talking about announcing, responding that we're not doing an extension?

Dana S. Tulis  
Deputy Office Director  
Office of Emergency Management  
US EPA  
202-564-7938

Begin forwarded message:

**From:** "Cheatham, Reggie" <cheatham.reggie@epa.gov>  
**Date:** February 17, 2015 at 7:57:05 PM EST  
**To:** "Stanislaus, Mathy" <Stanislaus.Mathy@epa.gov>  
**Cc:** "Tulis, Dana" <Tulis.Dana@epa.gov>  
**Subject:** FW: Dispersants: Subpart J Rulemaking

Craig any thoughts?

Reggie Cheatham, Acting Director  
Office of Emergency Management  
202-564-8003(w) 202-689-9400(c)

---

**From:** Stanislaus, Mathy  
**Sent:** 2/17/2015 7:08 PM  
**To:** Cheatham, Reggie  
**Cc:** Breen, Barry; Natarajan, Nitin  
**Subject:** FW: Dispersants: Subpart J Rulemaking

When are we planning to announce? I'd like to provide a note of explanation to her.

---

**From:** Marianne Engelman Lado [<mailto:mengelmanlado@earthjustice.org>]  
**Sent:** Tuesday, February 17, 2015 6:52 PM  
**To:** Stanislaus, Mathy  
**Subject:** RE: Dispersants: Subpart J Rulemaking

Mathy,

Hope all's well. Thanks again for the briefing on the Subpart J proposed rule.

I was wondering whether EPA is considering extending the comment period for the rule and, if so, when any extension might be made public.

Many thanks,

Marianne

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**From:** Stanislaus, Mathy [<mailto:Stanislaus.Mathy@epa.gov>]  
**Sent:** Wednesday, January 07, 2015 10:00 AM  
**To:** Marianne Engelman Lado  
**Subject:** RE: Dispersants: Subpart J Rulemaking

Also, Happy New Year. Yes the event was really fun and great reconnecting with folks.

Sent from my Windows Phone

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**From:** [Marianne Engelman Lado](#)  
**Sent:** 1/6/2015 11:47 AM  
**To:** [Stanislaus, Mathy](#)  
**Cc:** [Hannah Chang](#)  
**Subject:** RE: Dispersants: Subpart J Rulemaking

Mathy,

Happy new year. Hope all is well. I heard you were in New York recently for Jody Kass's retirement party. It sounds like quite a collection of EJ luminaries!

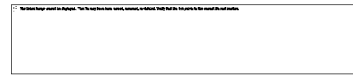
I was hoping there might be an opportunity to have a quick briefing on the proposed Subpart J rule. We and the petitioners are likely to get a significant number of inquiries about the rule, and I'd like to make sure we have the facts in a timely way. Many thanks for moving this process forward.

Best,

Marianne

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**Sent:** Sunday, September 14, 2014 2:48 PM  
**To:** Marianne Engelman Lado  
**Cc:** Hannah Chang  
**Subject:** RE: Dispersants: Subpart J Rulemaking

Marianne: I'm sure you are aware that the proposed rule is in interagency review. While other organizations have availed themselves of the opportunity to meet with OMB/OIRA regarding the rule, I have not seen your organization avail itself of the right to meet with them to provide your perspective.

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**Sent:** 7/21/2014 10:04 AM  
**To:** [Stanislaus, Mathy](#)  
**Cc:** [Hannah Chang](#)  
**Subject:** Dispersants: Subpart J Rulemaking

Mathy:

Hope you're well.

We recently noticed that the timeline for publishing a notice of proposed rulemaking for revisions of Subpart J has been moved back from July to December of this year. <http://yosemite.epa.gov/oepi/rulegate.nsf/byRIN/2050-AE87>. This not only signals yet another delay, but also a longer postponement than usual.

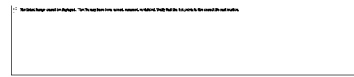
We were very much hoping to get some clarification on what may be causing the delay and what steps can be taken in the interim to address the uncertainties around dispersants. Please let me know whether you can schedule a time to talk by phone or in person in the coming month.

I'm cc'ing my colleague Hannah Chang. I'll be out of the office on travel between this Wednesday and August 7<sup>th</sup> and I want to make sure that this doesn't fall through the cracks.

All the best,

Marianne

Marianne Engelman Lado  
Managing Attorney, Northeast Office  
Earthjustice  
48 Wall Street, 19<sup>th</sup> Floor  
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Message

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**From:** Hill, Teresa [Hill.Teresa@epa.gov]  
**Sent:** 1/9/2015 3:00:11 PM  
**To:** Brooks, Becky [Brooks.Becky@epa.gov]; Cohen, Nancy [Cohen.Nancy@epa.gov]; Matthiessen, Craig [Matthiessen.Craig@epa.gov]; Stanislaus, Mathy [Stanislaus.Mathy@epa.gov]  
**CC:** Tulis, Dana [Tulis.Dana@epa.gov]; Cheatham, Reggie [cheatham.reggie@epa.gov]  
**Subject:** RE: Dispersants: Subpart J Rulemaking

He can do 11, 11:30 2 and 4.

---

**From:** Brooks, Becky  
**Sent:** Friday, January 09, 2015 9:58 AM  
**To:** Cohen, Nancy; Matthiessen, Craig; Stanislaus, Mathy; Hill, Teresa  
**Cc:** Tulis, Dana; Cheatham, Reggie  
**Subject:** RE: Dispersants: Subpart J Rulemaking

To clarify for everyone, there will be 3 phone calls scheduled for next week:

Monday -- call with industry (API and some of the manufacturers of dispersants)

Monday -- call with enviros (the list identified by earth justice.) If there is a need to do a broader EJ call that will take place on Tuesday.

Monday -- call with state/local/tribal (ASTSWMO, ECOS, USCM, National League of Cities, tribal group from Janice)

Teresa -- Please identify 3 half hour blocks on Mathy's calendar for Monday. Nancy or I will get back to you regarding invitees.

Sent from my Windows Phone

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**From:** Cohen, Nancy  
**Sent:** 1/9/2015 9:28 AM  
**To:** Matthiessen, Craig; Stanislaus, Mathy; Brooks, Becky  
**Cc:** Tulis, Dana; Cheatham, Reggie  
**Subject:** RE: Dispersants: Subpart J Rulemaking

Craig: wouldn't API be on the industry call?

Thanks, nancy

Nancy Cohen  
U.S. EPA OSWER  
202.566.0171

---

**From:** Matthiessen, Craig  
**Sent:** Friday, January 09, 2015 9:22 AM  
**To:** Stanislaus, Mathy; Brooks, Becky  
**Cc:** Tulis, Dana; Cohen, Nancy; Cheatham, Reggie  
**Subject:** RE: Dispersants: Subpart J Rulemaking

But wait; there's more:

Government Accountability Project (GAP) – Shanna Devine ([shannad@whistleblower.org](mailto:shannad@whistleblower.org) – 202-457-0034 ext 132)  
Citizens Coalition to Ban Toxic Dispersants – Riki Ott ([rikiott@gmail.com](mailto:rikiott@gmail.com) – 206-853-2855)

American Petroleum Institute (API) – Emily Kennedy ([kennedyE@api.org](mailto:kennedyE@api.org) – 202-682-8260)

Craig

---

**From:** Stanislaus, Mathy  
**Sent:** Friday, January 09, 2015 9:02 AM  
**To:** Brooks, Becky  
**Cc:** Matthiessen, Craig; Tulis, Dana  
**Subject:** RE: Dispersants: Subpart J Rulemaking

This is a good list - lets move forward and schedule.

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**Sent:** 1/8/2015 7:05 PM  
**To:** [Stanislaus, Mathy](#)  
**Cc:** [Matthiessen, Craig](#); [Tulis, Dana](#)  
**Subject:** FW: Dispersants: Subpart J Rulemaking

Please see below for the list of people that Earthjustice propose be invited to a call.

Sent from my Windows Phone

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**Sent:** 1/8/2015 5:55 PM  
**To:** [Brooks, Becky](#)  
**Subject:** RE: Dispersants: Subpart J Rulemaking

Becky,

Participation should include representatives from each of the groups that submitted the petition for rulemaking, which would include the following:

Waterkeeper (probably Reed Super)  
LEAN (Mary Lee Orr)  
Gulf Restoration Network (Cynthia Sarthou)  
Cook Inletkeeper (Bob Shavelson)  
Sierra Club  
Florida Wildlife Federation (Manley Fuller)  
Alaska Community Action on Toxics (Pamela Miller – in Alaska, so we'd want the call to work in her time zone)  
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In addition, my colleague Hannah Chang and I would plan to participate. If we have one or more times that might work on your end, I am happy to circulate them to the groups and confirm who will be able to participate, and I'd pin down which representative(s) from Sierra Club and Waterkeeper would join us at that time.

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Many thanks,

Marianne

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Many thanks for following up.

Best,

Marianne

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Special Assistant  
Office of Solid Waste and Emergency Response  
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ph. 202-566-2762

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Sent: 7/21/2014 10:04 AM

To: Stanislaus, Mathy<<mailto:Stanislaus.Mathy@epa.gov>>  
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Subject: Dispersants: Subpart J Rulemaking  
Mathy:

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**From:** Brooks, Becky [Brooks.Becky@epa.gov]  
**Sent:** 3/8/2015 12:50:02 PM  
**To:** Stanislaus, Mathy [Stanislaus.Mathy@epa.gov]  
**Subject:** FW: Subpart J NPRM Extension Requests Responses  
**Attachments:** Draft Response to GAP Subpart J Extension Request 2-23-15.docx; Draft Response to API Subpart J Extension Request 2-23-15.docx

Here are the draft responses.

Sent from my Windows Phone

---

**From:** Tulis, Dana  
**Sent:** 2/24/2015 7:31 PM  
**To:** Brooks, Becky  
**Cc:** Cheatham, Reggie  
**Subject:** FW: Subpart J NPRM Extension Requests Responses

Hi Becky, attached are the responses to deny an extension for review of the proposed Subpart J rule. These have been reviewed by OGC.

Mr. Robin Rorick  
Group Director, Midstream & Industry Operations  
American Petroleum Institute  
1220 L Street, NW  
Washington, DC 20005-4070

Mr. Michael Kearns  
Vice President, Government Relations  
National Ocean Industries Association  
1120 G St NW #900  
Washington, DC 20005

Mr. John Allen  
Executive Director  
Spill Control Association of America  
103 Oronoco Street, Suite 200  
Alexandria, VA 22314 USA

Dear Messrs. Rorick, Kearns and Allen;

Thank you for your February 4, 2015, letter in which you request a 90-day extension of the current 90-day comment period in EPA's Notice of Proposed Rule Making (NPRM) for revisions to Subpart J of the National Contingency Plan (NCP). You state "industry members would like to know whether EPA has data - specifically on dispersant efficacy and acute and sublethal/subchronic toxicity - from use of the test protocols and oils proposed in the new amendments. If so, this information should be provided to the public so that impacted stakeholders can objectively assess the technical basis of the proposed tests and the implications of the proposed rule in support of comment preparation. Therefore, API, NOIA, and SCAA respectfully request that EPA publicly release any testing data it has and that it allows additional time for industry to review the proposed changes in light of the complexity and significance of the amendments."

Elements in the Subpart J NPRM are based on extensive experience implementing the program along with considerable stakeholder input, including issues you've raised, and lessons learned during the Deepwater Horizon oil spill. As EPA said in the NPRM, the proposed amendments to Subpart J are an important step to protect the Nation's waters from discharges of oil. The NPRM fully explains the basis for the proposed amendments, and the docket contains all of the technical information EPA used to propose the amendments. EPA welcomes your input and the work of other interested persons on the NPRM, and we look forward to receiving those comments to help us promulgate the best possible amendments. However, we believe that 90 days is enough time for you to be able to review the information in the docket and submit your comments. We do not want to unnecessarily delay promulgation and implementation of these essential amendments. We therefore do not think it would be in the public interest to extend the comment period as you have requested.

Thank you again for your letter. We look forward to continued collaboration with you on this important effort. Please contact me if you have any further questions.

Sincerely,

Mathy Stanislaus  
Assistant Administrator

Ms. Shanna Devine  
Legislative Director; Investigator  
Government Accountability Project  
1612 K St NW, Suite 1100  
Washington, DC 20006

Riki Ott, PhD.  
The Citizens Coalition to Ban Toxic Dispersants  
Earth Island Institute  
2150 Allston Way #460  
Berkeley, CA 94704

Dear Ms. Devine and Dr. Ott:

Thank you for your January 22, 2015, letter in which you request a thirty-day extension of the current 90-day comment period in EPA's Notice of Proposed Rule Making (NPRM) for revisions to Subpart J of the National Contingency Plan (NCP).

Elements in the Subpart J NPRM are based on extensive experience implementing the program along with considerable stakeholder input, including issues you've raised, and lessons learned during the Deepwater Horizon oil spill. Prior to publication, we heard from you and many other stakeholders that the Subpart J rulemaking is very important and it should be completed promptly.

As EPA said in the NPRM, the proposed amendments to Subpart J are an important step to protect the Nation's waters from discharges of oil. The NPRM fully explains the basis for the proposed amendments, and the docket contains all of the information EPA used to propose the amendments. EPA welcomes your input and the work of other interested persons to submit comments on the NPRM, and we look forward to receiving those comments to help us promulgate the best possible amendments. However, we believe that 90 days is enough time for you to be able to review the information in the NPRM and docket and submit your comments. We do not want to unnecessarily delay promulgation and implementation of these essential amendments. We therefore do not think it would be in the public interest to extend the comment period as you have requested.

Thank you again for your letter. We look forward to continued collaboration with you on this important effort. Please contact me if you have any further questions.

Sincerely,

Mathy Stanislaus  
Assistant Administrator

Message

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**From:** Brooks, Becky [Brooks.Bekky@epa.gov]  
**Sent:** 3/8/2015 12:50:39 PM  
**To:** Stanislaus, Mathy [Stanislaus.Mathy@epa.gov]  
**Subject:** FW: Subpart J NPRM Extension Requests Responses  
**Attachments:** Extension Request Letter for EPA Subpart J Proposed Rule Final.pdf; Request for Public Comment Period Extension.pdf

**Importance:** High

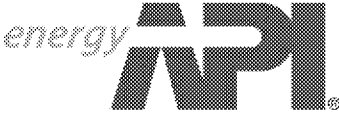
Here are the incoming letters.

Sent from my Windows Phone

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**From:** Tulis, Dana  
**Sent:** 2/24/2015 7:34 PM  
**To:** Brooks, Becky  
**Cc:** Cheatham, Reggie; Matthiessen, Craig  
**Subject:** FW: Subpart J NPRM Extension Requests Responses

Here are the two incoming letters, per the last email.



Mr. Mathy Stanislaus  
EPA Assistant Administrator  
U.S. Environmental Protection Agency  
1200 Pennsylvania Avenue NW  
Washington, DC 20460

February 4, 2015

Re: **Request for Extension of Comment Period for the Proposed Rule to Amend Subpart J of the National Oil and Hazardous Substances Pollution Contingency Plan, 80 Fed. Reg. 3380 (January 22, 2015)**

**Via electronic submission to <http://www.regulations.gov> and by mail**

Dear Mr. Stanislaus:

The American Petroleum Institute (“API”), the National Ocean Industries Association (“NOIA”), and the Spill Control Association of America (“SCAA”) respectfully request a 90-day extension of the period provided for reviewing and providing comments on the Environmental Protection Agency’s (“EPA”) proposed rule to amend Subpart J of the National Oil and Hazardous Substances Contingency Plan that governs the use of dispersants, other chemical and biological agents, and other spill mitigating substances when responding to oil discharges into the waters of the United States. 80 Fed. Reg. 3380 (January 22, 2015).

API is a national trade association that represents over 625 members involved in all aspects of the oil and natural gas industry, including the exploration and production of both onshore and offshore federal resources. The U.S. oil and natural gas industry supports 9.8 million U.S. jobs and 8 percent of the U.S. economy, delivering \$86 billion a day in revenue to our government.

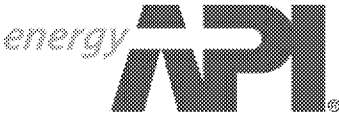
NOIA, founded in 1972, represents more than 270 companies among all segments of the offshore industry with an interest in the exploration and production of both traditional and renewable energy resources on the nation’s outer continental shelf (OCS). NOIA’s mission is to secure reliable access and a fair regulatory and economic environment for the companies that develop the nation’s valuable offshore energy resources in an environmentally responsible manner.

SCAA was organized in 1973 to actively promote the interests of all groups within the spill response community. Our *Mission Statement*:

***As the voice of Spill Response Professionals, SCAA represents a broad coalition of emergency responders, manufacturers and environmental firms who collectively address industry challenges, in order to strengthen and improve our nation’s response community.***

SCAA currently has 84 members representing spill response contractors, manufacturers, distributors, spill managers and consultants, insurers, instructors, government & training institutions and corporations working in the industry.

API, NOIA and SCAA members recognize that operations must be conducted safely and in a manner that protects the environment. In the Gulf of Mexico region, which is of particular relevance to this



proposed rule, our industry has a long history of safe operations that have advanced the energy security of our nation, and the energy resources in the region are also crucial to our nation's economy.

Dispersants are an essential tool in our oil spill response toolkit and should continue to be a response option available for use in the event of an oil spill. EPA has proposed significant changes to the Subpart J regulatory requirements, including adding new listing criteria, revising the efficacy and toxicity testing protocols, and amending the requirements for the authorization and monitoring of dispersants use. These proposed changes are very complex and technical and could have significant business impacts to American energy development.

In addition, industry members would like to know whether EPA has data – specifically on dispersant efficacy and acute and sublethal/subchronic toxicity – from use of the test protocols and oils proposed in the new amendments. If so, this information should be provided to the public so that impacted stakeholders can objectively assess the technical basis of the proposed tests and the implications of the proposed rule in support of comment preparation.

Therefore, API, NOIA and SCAA respectfully request that EPA publicly release any testing data it has and that it allows additional time for industry to review the proposed changes in light of the complexity and significance of the amendments. By extending the comment period by at least an additional 90 days, the public, including interested companies and industry, will have a better opportunity to adequately respond to the agency's proposed changes.

We appreciate the EPA's prompt attention to this request. Please accept this request on behalf of our members and please contact Emily Kennedy Hague (202-682-8260, [hague@api.org](mailto:hague@api.org)), Michael Kearns, (202-347-6900, [mkearns@noia.org](mailto:mkearns@noia.org)), or John Allen (571-451-0433, [jallen@scaa-spill.org](mailto:jallen@scaa-spill.org)) if additional information is needed.

Sincerely,

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Robin Rorick  
Group Director, Midstream & Industry Operations  
American Petroleum Institute

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Michael Kearns  
Vice President, Government Relations  
National Ocean Industries Association

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John Allen  
Executive Director  
Spill Control Association of America

January 22, 2015

The Honorable Mathy Stanislaus  
Assistant Administrator  
Office of Solid Waste and Emergency Response  
U.S. Environmental Protection Agency  
1200 Pennsylvania Avenue, N.W.  
Washington, DC 20460

RE: Request for Extended Public Comment Period for Docket Number EPA-HQ-OPA-2006-0090

Dear Assistant Administrator Stanislaus,

Our undersigned organizations are very pleased to learn that the public comment period for the proposed rule on revisions in Subpart J of the National Contingency Plan (Docket Number EPA-HQ-OPA-2006-0090) has officially opened. However, in order to provide stakeholders with adequate time to both review the 247-page proposed rule and participate in the public comment period, we would like to request that the period for public comments be extended for an additional 30 days, from 90 days to 120 days.

Stakeholders have waited 14 years for the proposed rule to be released. We appreciate your consideration of this request in order to ensure that those impacted by changes to dispersant regulations have an adequate opportunity to participate at this significant stage of the rulemaking process.

Sincerely,

The Citizens Coalition to Ban Toxic Dispersants  
Government Accountability Project

CC: Craig Matthiessen, Division Director, Environmental Protection Agency